

LONDON, the 29th of the Tenth Month 1749.

Advice to Friends Under Prosecution,

Either in the *Temporal* or *Ecclesiastical* Courts,
for their **CHRISTIAN** Testimony against the
Payment of *Tithes*, and other *Ecclesiastical*
Demands.

DEAR FRIENDS,

IN the seventh and eighth Years of King WILLIAM the Third, the Legislature was pleased to pass an Act, entituled, *An Act that the Solemn Affirmation and Declaration of the People called Quakers shall be accepted instead of an Oath in the usual Form*; to which Act the Bishops procured (as we are informed) an Addition, whereby a new Remedy was provided for the recovering *Tithes and Church Rates from Quakers in a Summary Way, before Justices of the Peace, in all Cases where the Demand doth not exceed Ten Pounds, the Title not being in Question.*

And in the first Year of King GEORGE the First, when the said Act was perpetuated, the like Remedy was *Extended to other Ecclesiastical Demands against Quakers, where the Sum doth not exceed Ten Pounds, and the Title not in Question.*

When this new Remedy of Recovery from *Friends* was first provided, as thereby the Prosecutor could much more easily and expeditiously recover his Demand than by any former Law, it was proposed, that he should be restrained to this Way only; But the Bishops urged, (as we are informed) *That such Restraint was altogether unnecessary, and that the very supposing any Clergyman or others, would prefer more tedious and expensive Prosecutions, was an uncharitable Suggestion.*

Nevertheless, we find by Experience, that divers of those Claimants (either ignorantly or vexatiously) do continue to prosecute *Friends* in the *Exchequer*, and other the King's Courts, to their great Expence, and to the Imprisonment of some of them; or more frequently in the *Ecclesiastical* Courts, tho' if they there prevail, they can recover no Part of their original Demand, or subsequent Costs; but only procure the *Friend's* Imprisonment for Life, with all the Incapacities and Inconveniencies consequent on *Excommunication*, without reaping any Advantage thereby to themselves.

And

And as it frequently happens, Prosecutors attempt to excuse their having used these severe Methods, by alledging their Ignorance of the ruinous Consequences; or that the Law had provided any milder Method: We think it may remove real, and prevent false Pretences of Ignorance, if the Prosecutor be (as early as possible) fully apprised of the Consequences of these severe Methods, not to the Prosecuted only, but often to the Prosecutor himself also; and that it be represented, how unneighbourly and unchristian-like, as well as imprudent, it will be, to pursue such severe and troublesome Methods, when the Law hath provided one so much more mild and easy.

This should be done on the *first Notice* of a Prosecution being intended or begun, before the Prosecutor hath been at any or much Expence; such Application may be made by judicious *Friends*, moderate Gentry, or others, who may have Influence on the Prosecutor; and if need be, both by *Friends* and others: And sometimes the friendly Interposition of a Bishop hath been successful in preventing or stopping a Prosecution.

But as the Effect of such Applications is too uncertain to be relied on, we advise, That as soon as any *Friend* is acquainted, that a Prosecution is intended or commenced against him, in any of the aforesaid Courts, that such *Friend* himself, or some other judicious *Friend* or *Friends*, do immediately *write* to one of the Correspondents in *London* for that County, or to some other Member of the Meeting for *Sufferings*, a full and particular Account of the Affair, and of the Steps taken; that the *Friend* may not want the best Advice the Meeting can give or procure for him: This Notice should not be delayed; for sometimes *Friends* here have a more effectual Influence than can be found in the Country.

And with regard to Prosecutions in the King's Courts, in some Cases, for saving Expence, it appears most prudent to make *no Defence*, tho' in others it may be very necessary; but whenever an immediate Appearance is required, we advise, that it may be put in accordingly, and not delayed.

And whensoever a *Friend* is prosecuted in the *Ecclesiastical Court*, *some Defence* is necessary, for otherwise the Prosecutor may so far prevail as to obtain *Excommunication* against the *Friend* for *Contempt* for his not appearing, or not answering; which will have all the Consequences of a Sentence against him on the Issue of the Cause. Whereas it hath happened, that Prosecutions have appear'd even to these Courts so vexatious, injurious or unjust, that the Case hath been dismissed, or Sentence given in Favour of the *Friend* with Costs.

But *Friends* have much oftner been deliver'd from these Courts, by *Prohibitions* obtained from the King's Courts; for the gaining whereof, it is necessary, previously to make proper Defence in the *Ecclesiastical Courts*.

The first Notice a *Friend* commonly hath of a Prosecution in the *Ecclesiastical Court*, is a *Citation* to appear thereat, on a Day therein mentioned; which the *Friend* should by no means fail of doing himself; as well



well as that we think it adviseable for him to employ a *Proctor*, whose Knowledge in the Methods of these Courts, may be necessary to prevent the *Friend's* being surprized into a *Contempt*: The *Proctor* should enquire if any *Libel* be exhibited; and if there be, demand a *Copy* thereof, and Time to answer it; (of which, a *Copy* should immediately be sent to one of the Correspondents, or other Member of the Meeting for *Sufferings*) after which, both the *Friend* and his *Proctor* should attend the Court pursuant to every other *Citation* there-from, or Adjournment thereof; and until the *Answer* can be ready, the *Proctor* should ask farther Time; and when that can no longer be obtained, he should *retard* their Proceedings, as much as he well can: For it often requires a considerable Time to procure the Aid of the King's Courts, which can hardly be done but in *Term-time*; and without such Aid, the *Friend* cannot escape Imprisonment, and the other Consequences of *Excommunication*.

And as the *Friend's* Imprisonment on *Excommunication* is for Life, we have been the more particular in our Advice respecting Prosecutions in the *Ecclesiastical Courts*. Which tho' called *Courts Christian*, are most truly *Antichristian*, being gross Remains of *Popery*, a great and grievous Reproach on the *English* Reformation; to the Oppression whereof, not only *Friends* in particular, but the Nation in general are liable

We have however firm Faith (if *Friends* remain faithful) the Lord will in his Time work a Deliverance.

It were to be desired, that Prosecutors on these Accounts might be restrained from any other than a *summary Way* of proceeding; as the Priests in the several Parishes in the City of *London*, burnt by the Fire in 1666, have been for upwards of seventy Years; nor doth it appear, that they have in all that Time sustained any Injury or Inconvenience therefrom: And if such a Restriction was extended to the Nation in general, it might prevent many vexatious *Law-suits*, which often prove prejudicial as well to the *Plantiff* as to the *Defendant*.

And whereas by a former Paper of Advice, *Friends* were advised to insist, that their Answer to a *Libel* in the *Ecclesiastical Court* ought to be accepted without Oath or Affirmation; and as it appears doubtful, whether their so insisting may stand good in Law, *Friends* are now advised to give in an Answer upon Affirmation, rather than contest it; except in Cases of *Personal Tithes*, wherein the *Ecclesiastical Courts* are restrained from Examining upon Oath, by an Act made in the second and third of Edward the Sixth, Cap. 13. §. 9. And also in Cases of *Church-Wardens* so called, wherein the said Courts are prohibited by an Act of 13 Car. 2. Cap. 12. §. 4. To tender or administer the Oath *Ex Officio*, or any other Oath, by which any Person to whom it may be tender'd, might be compelled to Accuse him or herself of any Criminal Matter or Thing.

**Advice to FRIENDS
under Prosecution,**

*Either in the Temporal or Ecclesiastical
Courts, for Non-payment of Tithes,*



